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PATENT

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GROUP 3600

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Date: June 29, 2004

By: Sherry Duncan Bitler
Sherry Duncan Bitler

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of G. RIVERA

Confirmation No.: 3308

Serial No. 09/812,118

Examiner: M. CUFF

Filed: 03/16/2001

Art Unit: 3627

FOR: DATA MANAGEMENT SYSTEM AND METHOD FOR INTEGRATING NON-HOMOGENOUS SYSTEMS

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

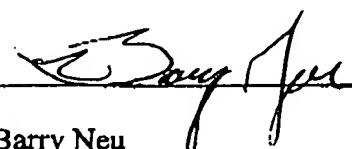
DECLARATION UNDER 37 C.F.R. § 1.131

1. We are two of the inventors for U.S. Patent Application No. 09/812,118 entitled "Data Management System and Method for Integrating Non-Homogenous Systems" (the "'118 application"), which was filed on March 16, 2001.
2. The Patent Application is rejected under 35 U.S.C. 102(e) as being anticipated by Schroeder et al. (U.S. 2002/0099735), which was filed on January 19, 2001.
3. The invention as claimed in the '118 application was reduced to practice at least as early as January 18, 2001, which is one day prior to the filing date of the Schroeder patent application.
4. Two documents are attached to establish the reduction to practice date of the invention as claimed in the '118 application. The first document, Exhibit A, is a data flow diagram dated March 22, 2000. The second document, Exhibit B, is an

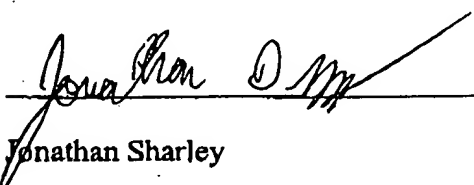
extract from the production database of an actual transaction operated according to the data flow of Exhibit A. The file header shows that the transaction data for Exhibit B is May 22, 2000.

5. The data flow in Exhibit A illustrates a transaction between two companies, Rotech and Sunrise. Sunrise's operations are shown on the bottom left of the page. Rotech's operations are shown on the bottom right of the page. And the translation activities related to the claimed invention are shown at the top center of the page.
6. The translation activities include the action boxes for translating data from one format to another, including "Translate::xlate_doc," "XMLto850X12late," "XMLtoLawsonInvXlate," and "X12toXMLXlate." These action boxes correspond to translating documents from XML to the Sunrise format (EDI X12) and from the Sunrise (EDI X12) format to the XML format.
7. The translation activities illustrated in Exhibit A involve orders and invoices.
8. An actual transaction generally corresponding to this data flow was completed on May 22, 2000. Exhibit B is a copy of a portion of the data for this transaction, which is between Rotech and Sunrise. The document was translated from Rotech's native format (delimited) to the common format (XML) and then translated to Sunrise format (EDI X12).
9. Accordingly, the invention in the '118 application was operational at least as early as May 22, 2000.
10. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and

further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Barry Neu

Date 6/29/2004


Jonathan Sharley

Date 6/29/2004

Exhibit A

bConnected Data Flow, 3/22/00 Sunrise / Rotech Integration bConnected Development Team

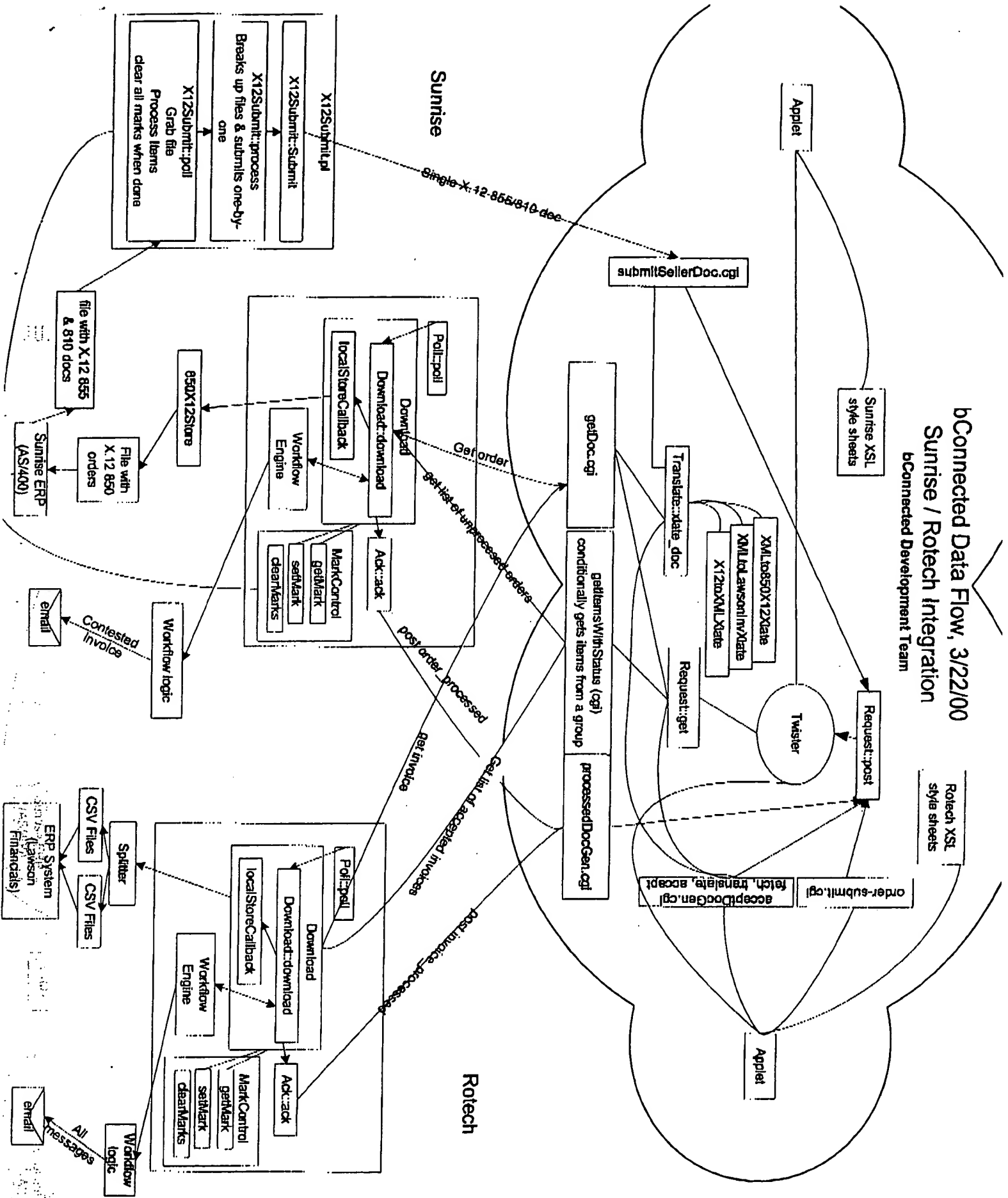


Exhibit B

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